



Appeal Decision

Site visit made on 4 November 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/C1570/W/25/3373179

Land to the rear of Radwinter Road, Saffron Walden CB11 3HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dr Wendy Greenwood against the decision of Uttlesford District Council.
 - The application Ref is UTT/25/0743/FUL.
 - The development proposed is the erection of a single self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A boundary treatment plan and a computer-generated image have been submitted with the appeal. These are for illustrative purposes only and do not propose any amendments that could not be secured via a planning condition. I therefore do not consider that any party would be unfairly prejudiced by me accepting them.

Main Issues

3. The main issues are;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance; and the effect of vehicle headlights.
 - Whether the proposed development would provide an acceptable off-street parking arrangement.

Reasons

Character and appearance

4. The appeal relates to an area of predominantly undeveloped land that sits in a corner location between two rows of two storey terrace houses on Rochester Court. These terrace rows are positioned roughly perpendicular to each other and front a communal parking area.
5. There is a general uniformity in the design and layout of these terrace rows, which provide simple and balanced buildings that have a cohesive design and appearance. They are laid out in an orderly fashion around the car park, to face and be directly accessed by Rochester Court.

6. The appeal site contains mainly low level scrubland and a large mature sycamore tree that displays an attractive shape and form. It thereby provides a degree of visual separation, space and an attractive backdrop of tall vegetation in between the 2 terrace blocks, that breaks up and softens the effects of the built form on this part of Rochester Court.
7. The principle of residential development on the site has not been contested by the Council, and I note that it considers the design to be acceptable in townscape terms. However, the predominant form of development in the wider area is of frontage dwellings and buildings with direct access to the streets. The proposal would not directly address any street frontage, with its rear elevation facing Rochester Court, and would essentially represent a backland form of development.
8. The rear elevation of the proposed building would be punctuated by a door and a window at ground floor level with two further windows in the first floor. The asymmetrical roof design, mixed external material palette, and canopy would also add visual interest to this side of the proposed house.
9. Nonetheless, this elevation would be set further back than the facade of the neighbouring terrace row to the west, to ensure the protection of the sycamore tree. The introduction of the proposed dwelling into this open, undeveloped area would increase the built form and scale of development across the site. Its uncharacteristic irregular shaped footprint would result in it running along a large amount of the shared boundary with No 3 The Sycamores. Its western side elevation would also be in proximity to the shared boundary with 1 Rochester Court.
10. Although there would be enough external space to allow future residents to move between the front and rear of the site, the proposed dwelling would dominate the plot and have a much greater footprint, mass, and visual presence along Rochester Court than the neighbouring properties in the immediate area. Whilst there may be sufficient space within the site to accommodate the storage of bins there would also be a smaller garden area to the south, partially due to the parking arrangement, than is typical for the locality.
11. These factors would thereby combine to introduce a conspicuous, and cramped form of development that would significantly interrupt the rhythm and sense of spaciousness along this part of Rochester Court. As a result, it would also be at odds with the prevailing pattern of development and layout of the immediate surroundings.
12. Whilst its backland location, retained boundary fencing and existing vegetation would limit some views into the site from the public domain, the discordant effect of the proposed development would be clearly visible from along Rochester Court, Elizabeth Way and several neighbouring properties.
13. Although details of hard and soft landscaping can be secured via the imposition of a suitably worded planning condition, I am unable to be certain, on the basis of the evidence before me that it would provide sufficient mitigation to overcome all of the harm that I have identified above. Furthermore, whilst views of the scrubland are screened by existing fencing, neglect of land does not in itself justify the grant of permission for an otherwise unacceptable proposal.

14. I therefore find that the proposed development would cause unacceptable harm to the character and appearance of the area. Accordingly, it would conflict with Policy GEN2 of the Uttlesford Local Plan 2005 (Local Plan) which seeks, amongst other things, for development to be compatible with the scale, form, layout and appearance of the surrounding area. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework), as advised in Section 12.

Living conditions

15. My site observations confirmed that the area proposed for the tandem parking is already being used to park two cars. Those living in the vicinity of the site therefore presently experience noise and activity associated with the comings and goings of vehicles that are consistent with a residential environment. There is also little substantive evidence before me to demonstrate that any additional noise and activity from the comings and goings of the cars associated with the proposal (one additional car) would result in unacceptable levels of disturbance to the occupiers of Nos 109 and 111 Radwinter Road or the residents of other properties on Elizabeth Way.
16. In terms of vehicle headlights, because these are generally at a lower level and are as a default aligned to focus light on the carriageway or road surface, the existing boundary treatments at Nos 109 and 111, along with the proposed means of enclosure, which could be secured by a planning condition, would provide a barrier to minimise glare from vehicle movements within the site. I am also mindful that the Council's Environmental Health Officer has not raised any objections in this respect or regarding noise generation from future residents.
17. As such, I am unable to find that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, arising from noise and disturbance and vehicle headlights. It would thereby not conflict with Local Plan Policies GEN2 and GEN4. These seek, amongst other matters, to ensure that development would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property and would not cause material disturbance or nuisance to occupiers of surrounding properties through factors including noise and light.

Parking

18. It is common ground between the main parties that the proposal provides a sufficient amount of off street parking and I have no reason to question this. However, its tandem arrangement would conflict with advice contained within Policy M3.11C of the Council's District-Wide Design Code (2024), which states that on-plot triple tandem parking will be refused. Whilst this code sits as a Supplementary Planning Document and is a material consideration in the context of this appeal, it does not follow that a proposal should stand or fall solely on the application of these standards, and each proposal is required to be judged on its own merits.
19. Moreover, there is little evidence before me to explain why this parking arrangement would be unacceptable in this particular location or how it fails to accord with Local Plan Policy GEN8. Furthermore, the Council's ECC Highway's Section did not raise any highways objections to the scheme, and the planning officer report confirms that the parking spaces would be of appropriate dimensions

and that appropriate turning areas would be provided. As such there is little substantive evidence before me to conclude that the proposal would not provide an acceptable off-street parking arrangement. I am therefore unable to find that conflict with Local Plan Policy GEN8 would occur.

Planning Balance

20. The Council accepts that it is unable to demonstrate a 5 year deliverable supply of housing land. Consequently, paragraph 11 d) ii of the Framework is engaged, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. I have found that the proposed development cause unacceptable harm to the character and appearance of the area. This harm would be wide ranging and long lasting and would be contrary to the aims of the Framework that I have referred to above. With these factors in mind, I ascribe this matter substantial weight. My findings on the second and third main issues of this case would amount to a lack of harm and would thus be neutral in any balancing exercise.
22. The proposal would not be within the setting of any listed buildings or located in a conservation area. I also appreciate that the Council has not raised any objections regarding the impact of the proposal on the living conditions of the occupiers of neighbouring buildings, including outlook, privacy and light. It has also not raised any concerns in respect of the amount of internal space, private external amenity space, flood risk, access, highways, housing mix, trees and landscaping, ecology, biodiversity and land contamination. Nonetheless, these matters did not appear to be contentious in the appeal and the absence of harm in these respects are also neutral factors that do not weigh in favour of the proposal.
23. It has been put forward that the proposed development would be an efficient use of underutilised land. I note its location relative to public transport and access to local facilities and services, and the availability of non-vehicular modes of transport. The proposal may also include energy and water efficient measures and generate some economic activity during the construction of the housing and would provide homes to occupiers who would spend and contribute to the local economy.
24. Nonetheless, given that the proposal is for one dwelling, any benefits in these respects, including to housing land supply and any other economic, social and environmental objectives put forward would be somewhat limited. Due to the lack of a mechanism to secure the proposed self-build nature of the proposal I have also given the provision of this, and any social benefits associated with it very limited weight.
25. Accordingly, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Other Matters

26. Whilst the applicant's frustration regarding the advice received at pre-application stage is acknowledged, this is non-binding, and this matter has had no bearing on

the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

27. In reaching my decision, I have also had regard to a previously refused planning application on the site (Ref: UTT/24/1918/FUL). I note that the appellant considers that all issues previously raised by the Council to have been addressed, and that matters regarding noise and parking were not previously raised. However, for the reasons given above, I continue to find that the scheme conflicts with local and national policies and would have an unacceptably harmful effect on the character and appearance of the area.

Conclusion

28. The proposed development conflicts with the development plan and that conflict is not outweighed by other material considerations. Therefore, the appeal is dismissed.

Mark Caine

INSPECTOR